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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,537	12/04/2003	Eiichi Matsuzaki	03560.003410	7941
5514 7590 09/10/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,537

Applicant(s)

MATSUZAKI, EIICHI

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/10/2005 was filed after the filing date of the instant application on 12/4/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 10-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gorbatov et al. (U.S. Patent No. 6,792,617).

Referring to claim 1, Gorbatov discloses an information processing apparatus for processing program content data and program information data associated with a television broadcast program received via receiving means (**see Figure 1 and Column 2, Line 56 through Column 3, Line 5 for a set-top box/information processing apparatus receiving program content data/television programs and program information/ATVEF enhanced content from a receiving means/headend**).

Gorbatov also discloses display control means for displaying information on display means on the basis of the program information data such that when a program includes a plurality of sub-programs, sub-program information associated with sub-programs is displayed on the display means (**see Column 4, Lines 27-41 and Lines 58-61**).

Gorbatov also discloses processing means for performing a specified process on sub-program content data of a sub-program included in the program content data received by the receiving means (**see Column 4, Lines 61-65 and Column 5, Lines 6-8**).

Gorbatov also discloses timer-controlled automatic operation setting means for specifying a sub-program indicated by the sub-program information displayed on the display means and setting timer-controlled automatic operation for the specified sub-program such that the specified process is to be performed on the specified sub-program at a specified time (**see Column 5, Lines 17-26**).

Referring to claim 2, Gorbatov discloses that the particular process is displaying or recording of the sub-program content (**see again Column 4, Lines 61-65 and Column 5, Lines 6-8 in conjunction with Column 5, Lines 17-26**).

Referring to claim 10, see the rejection of claim 1 and further note Column 2, Line 59 through Column 3, Line 64.

Referring to claim 11, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (U.S. Patent No. 6,792,617) in view of Potrebic (U.S. Patent No. 6,798,971).

Referring to claim 3, Gorbatov discloses all of the limitations in claim 1, as well as a first mode in which the program information is displayed but the sub-program information is not displayed (**see Column 4, Lines 58-62**), and a second mode in which sub-program information is displayed (**see Column 4, Lines 63-66**), the display control means being capable of switching the displaying mode between the first mode and the second mode (**see again Column 4, Lines 63-66 for the user selecting the transition from the first mode to the second mode**).

Gorbatov is silent as to the details of the listings of events, therefore Gorbatov does not teach displaying program information together with sub-program information.

Potrebic discloses displaying program information together with sub-program information (**see Column 13, Lines 18-25 and Figure 7**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG that displays program information and sub-program information, by displaying program information and sub-program information simultaneously, for the purpose of allowing a viewer to quickly and easily view the segment of interest (**see Column 2, Lines 35-37 of Potrebic**).

Claims 7-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (U.S. Patent No. 6,792,617) in view of Lemmons (U.S. Patent No. 6,481,011).

Referring to claim 7, Gorbatov discloses an information processing apparatus for receiving television broadcast program data and processing it (**see Column 2, Lines 59-65**).

Gorbatov also discloses acquisition means for, when a program data including a plurality of sub-program data is received as the television broadcast program data, acquiring sub-program data including at least one of video data, audio data, and text data and also acquiring information associated with sub-programs from the received program data (**see again Column 2, Lines 59-65 and further note Column 4, Lines 62**).

Gorbatov also discloses display means for displaying a screen on the basis of the sub-program information acquired by the acquisition means (**see Column 4, Line 56 through Column 5, Line 1**).

Gorbatov fails to teach that each of the sub-programs is colored in accordance with a genre of the sub-program determined on the basis of the sub-program information.

Lemmons discloses a colored EPG guide (**see Abstract and Figures 6-7**), where each program is colored according to genre (**see Figure 7**).

At the time the invention was made, it would have been obvious to modify the EPG with program and sub-program information, as taught by Gorbatov, using the colored EPG, as taught by Lemmons, for the purpose of providing a program guide that can more accurately highlight programming of the type the user likes (**see Column 1, Lines 57-59 of Lemmons**).

Referring to claim 8, see the rejection of claim 1.

Referring to claim 9, see the rejection of claims 1-2.

Referring to claim 10, see the rejection of claim 7.

Referring to claims 12-14, see the rejection of claim 7.

Allowable Subject Matter

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

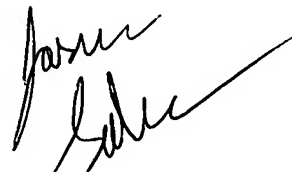
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

September 4, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', written over the printed name and title.